

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL A. TESTAGROSSA, *aka* PAUL
TESTAGROSSA,

Defendant.

MEMORANDUM & ORDER
15-CV-05399 (MKB) (RML)

MARGO K. BRODIE, United States District Judge:

On September 18, 2015, the United States of America commenced the above-captioned action against Defendant Paul A. Testagrossa, seeking the recovery of \$5269.01 in student loan debt, plus interest and costs. (Compl., Docket Entry No. 1.) Although properly served with the summons and Complaint, (Docket Entry Nos. 4, 5), Defendant has not answered the Complaint or otherwise appeared in this action. Plaintiff sought and obtained the entry of default against Defendant. (Docket Entry No. 7.) On December 11, 2015, Plaintiff moved for a default judgment. (Pl. Mot. for Default J., Docket Entry No. 8.) On December 11, 2015, the Court referred this matter to Magistrate Judge Robert M. Levy for a report and recommendation. (Order dated Dec. 11, 2015.)

By report and recommendation dated March 24, 2016 (the “R&R”), Judge Levy recommended that the Court grant Plaintiff’s motion for a default judgment against Defendant in the amount of \$6141.07, comprised of: (1) \$5269.01 in principal balance, (2) \$395.06 in prejudgment interest until December 8, 2015, and (3) \$477 in costs. (R&R 4–5.) Judge Levy further recommended that Plaintiff be awarded: (1) prejudgment interest at the rate of \$0.42 per

day from December 8, 2015 until the date of judgment, and (2) post-judgment interest pursuant to 28 U.S.C. § 1961(a). (*Id.*) No party has objected to the R&R.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “[F]ailure to object timely to a magistrate judge’s report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.” *Eustache v. Home Depot U.S.A., Inc.*, 621 F. App’x 86, 87 (2d Cir. 2015) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.” (first citing *Cephas*, 328 F.3d at 107; and then citing *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002))).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts Judge Levy's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Plaintiff's motion for a default judgment against Defendant is granted. The Clerk of Court is directed to enter judgment in the amount set forth above and to close this case.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: April 12, 2016
Brooklyn, New York